

REMARKS

Summary of Office Action

Claims 1-53 were pending in this application.

Claim 24 was objected to for having an improper Markush group, as specified in MPEP § 2173.05(h). Claim 53 was rejected under 35 U.S.C. § 101 for not making use of or applying the technological arts. Claims 2-4 were rejected under 35 U.S.C. § 112, first paragraph, for failing to comply with the enablement requirement. Claims 16 and 39 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point and distinctly claim the subject matter which applicants regard as the invention.

Claims 1, 5, 7-31 and 35 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Klein et al., U.S. Patent No. 6,709,330 ("Klein"). Claims 36-51 were rejected under 35 U.S.C. 103(a) as being unpatentable over Hauk et al., U.S. Patent Publication No. 2003/0126068. Claim 6 was rejected under U.S.C. 103(a) as being unpatentable over Klein in view of Yoshimi et al., U.S. Patent No. 6,634,950.

Claims 32-34 and 52 were objected to as being dependent upon a rejected base claim, but were found to be

allowable if rewritten in independent form including all of the limitations of the base claims and any intervening claims.

Applicants' Reply to the Office Action

Applicants note with appreciation the indication of allowable subject matter in claims 32-34 and 52.

The Examiner, however, objected to claims 32-34 and 52 for being dependent upon a rejected base claim. In response, applicants have amended claims 32 and 52 to include the limitations of independent base claims 1 and 36, respectively (there are no intervening claims). Accordingly, applicants respectfully submit that claims 32 and 52, as amended, are allowable. Applicants also submit that claims 33 and 34 are allowable at least because they depend from amended independent claim 32, which is allowable.

Applicants have cancelled claims 1-31, 35-51 and 53 without prejudice.

Conclusion

The foregoing demonstrates that this application is in condition for allowance. Accordingly, reconsideration and allowance of the application are respectfully requested.

Respectfully submitted,

Adam Saltzman

Adam M. Saltzman
Reg. No. 52,188
Attorney for Applicant
Fish & Neave
Customer No. 1473
1251 Avenue of the Americas
New York, New York 10020-1105
Tel.: (212) 596-9000
Fax: (212) 596-9090